



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Jeffrey E. Thomas  
Title : NITRIC OXIDE DONOR COMPOSITIONS,  
METHODS, APPARATUS, AND KITS  
FOR PREVENTING OR ALLEVIATING  
VASOCONSTRICITION OR  
VASOSPASM IN A MAMMAL  
Application No. : 10/068,551  
Filing Date : February 5, 2002  
Confirmation No. : 8294  
Docket No. : 26998-2

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Dear Sir:

In response to the Examiner's statement of reasons for allowance, Applicant wishes to comment on the limitations recited by the Examiner. Applicant respectfully submits that the Examiner's statement should have additionally recited that, *inter alia*, the prior art does not teach or render obvious claim 51, a device for delivering a pharmacological agent in solution, the

device comprising a first hollow body having a flow orifice, a first fluid access port, and a first pressure orifice, each in fluid communication with the interior of the first hollow body, a second hollow body for containing the pharmacological agent, the second body having a second fluid access port in fluid communication with the interior of the second hollow body and in fluid communication with the first fluid access port, and an outlet port in fluid communication with the interior of the second hollow body, a first pressure modulator connected to the first pressure orifice, and a valve having an inlet orifice coupled to the outlet port and an outlet orifice, wherein the valve permits fluid flow in the direction from the inlet orifice to the outlet orifice.

Although applicant believes no fees are due, the Office is authorized to charge any additional fees or credit any overpayments to Deposit Account 02-2051, identifying our Docket No. 26998-2.

Respectfully submitted,

BENESCH, FRIEDLANDER  
COPLAN & ARONOFF LLP

Dated:

8/9/04

  
Todd Sladek  
Reg. No. 53,768  
2300 BP Tower  
200 Public Square  
Cleveland, OH 44114-2378  
(216) 363-4491



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**SUBMISSION OF REPLACEMENT DRAWING**

Dear Sir:

This is in response to the Notice of Allowance dated May 14, 2004, issued in connection with the above-referenced application. Submitted herewith is a replacement sheet containing a drawing (Figure 9) illustrating the elements shown in the claims as filed and described in the

specification as filed. The replacement drawing sheet meets the requirements of 37 CFR 1.84(c) and 1.121(d). The drawing is not believed to contain any new matter.

**CONCLUSION**

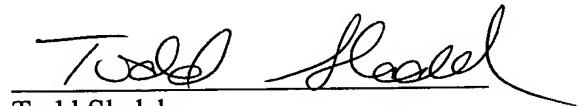
Applicant appreciates the Examiner's attention to this matter. While no fees are believed to be due for this filing, the Office is authorized to charge any additional fees or credit any overpayments to Deposit Account 02-2051, identifying our Docket No. 26998-2.

Respectfully submitted,

BENESCH, FRIEDLANDER  
COPLAN & ARONOFF LLP

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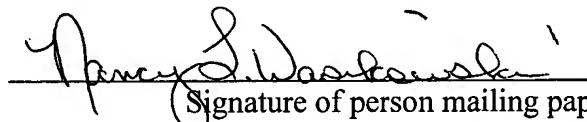
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SERIAL NO. : 10/068,551  
FILED : February 5, 2002  
EXAMINER : Cris Loiren Rodriguez  
ART UNIT : 3763  
CONFIRMATION NO. : 8294  
ATTORNEY DOCKET NO. : 26998-2

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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that the below-identified papers are being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" on August 9, 2004, in an envelope addressed to: **Mail Stop ISSUE FEE**, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

Nancy L. Wasikowski  
(type or print name of person mailing paper)

  
Signature of person mailing paper

Items enclosed herewith:

1. Issue Fee Transmittal;
2. PTO-2038 Credit Card Authorization;
3. PTO/SB/122 Change of Correspondence Address;
4. Submission of Replacement Drawing;
5. Comments on Statement of Reasons for Allowance; and
6. Return Receipt Postcard.